

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

Anthony Robinson

Plaintiff,

v.

Case No. 8:15-cv-00079-GJH

Pennsylvania Higher Education Assistance Agency *et al.*

Defendants.

**PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY IN  
SUPPORT OF HER OPPOSITION TO DEFENDANT USDE'S MOTION TO DISMISS**

Plaintiff, Anthony Robinson, respectfully submits this Motion for Leave to File Supplemental Authority in support of her Opposition to Defendant USDE's Motion to Dismiss. In support thereof, Plaintiff states as follows:

1. On April 7, 2015, USDE filed a motion to dismiss the complaint. Plaintiff filed an opposition to the motion to dismiss on April 24, 2015.

2. Since Plaintiff filed his opposition, he has become aware of a House Representative Report, identified as H.R.Rep. No. 108-263, at 24 (2003), that establishes that the Congress intended to include the federal government as a furnisher of information under the Fair Credit Reporting Act. A copy of the report is attached as Exhibit 1.

3. H.R.Rep. No. 108-263, at 24 is helpful to this Court's determination of USDE's motion to dismiss. Specifically, the H.R.Rep. states on page 24 in the section under the subheading Background And Need For Legislation that:

Any person with information related to consumers' financial activities or other relevant information may furnish data to a consumer reporting agency. Reporting is voluntary, but those who do furnish information have a duty to ensure its accuracy and to investigate disputes. The most common users and furnishers of information are credit card issuers, auto dealers, department and grocery stores, lenders, utilities, insurers, collection agencies, and government agencies.

4. The H.R.Rep. No. 108-263, at 24 totally discredits the gravamen of USDE's motion to dismiss. In light of H.R. Rep. No. 108-236 the USDE can no longer claim "there is no clear expression that Congress intended to" waive sovereign immunity. USDE's MTD at p. 2. Likewise, USDE's statements such as "[w]hile the definition of 'person' remained unchanged after the 1996 Amendment, there is no indication that Congress intentionally sought to subject the United States to monetary damages" is completely without merit in light of H.R.Rep. No. 108-236. Id. p. 7.

5. The H.R.Rep. No 108-263 unequivocally demonstrates that Congress considered and/or discussed whether a government agency is liable under the Act. The Report dispels USDE's myth that government was never thought to be included as a furnisher under the Act.

WHEREFORE, Anthony Robinson, respectfully requests an order of this Court granting him leave to submit the attached H.R.Rep. No. 108-263 as additional authority in support of his opposition to USDE's motion to dismiss.

Respectfully submitted,

/s/  
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